

**MINUTES FOR THE  
MEETING OF THE  
BOARD OF LAND OF NATURAL RESOURCES**

DATE: FRIDAY, OCTOBER 24, 2014  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Chairperson William Aila called the meeting of the Board of Land and Natural Resources to order at 9:09 a.m. The following were in attendance:

**MEMBERS**

William J. Aila, Jr.  
Stanley Roehrig  
Vernon Char

James Gomes  
Christopher Yuen  
Ulalila Woodside

**STAFF**

Kevin Moore-LAND  
Emma Anders-DAR  
Dan Quinn-PARKS  
Lisa Hadway- DOFAW  
Michael Cain-OCCL  
David Penn-DOFAW

Fraizer McGilvray-DAR  
Alton Miyasaka/DAR  
Sam Lemmo- OCCL  
Ed Underwood-DOBOR  
Alyson Yim-ENG

**OTHER**

Cindy Young/ Deputy AG  
Ross Smith/ DOT-AIR  
Thomas Hashimoto/F-1  
Ted Blake/F-1  
Kelii Alapai/F-1, F-5  
Annie Hashimoto/F-1  
Reggie Lee/F-1, F-5  
Edwin Lindsey/F-1, F-5  
Scott Crawford /F-1  
Debbie Gowensmith/F-1  
Joel Guy /F-1  
Jade Delevaux/F-1  
Terry George/F-1  
Lehela Correra/F-1  
Nachea Enes/F-1  
Noa Kaaumoana/F-1

Garry Bignami/DOE  
Jobie Masagatani/ D-1  
Maka'ala Kaaumoana/ F-1  
Presley Won/ F-1  
Jodi Hashimoto/F-1  
Bobby Camara /F-1, F-5  
Shafitton Ka'upu/F-1  
Sol Kolomona/F-1, F-5  
Kekaulike Tomich/F-1, F-5  
Kawika Winter/F-1, F-5  
Scott Granger /F-1  
Kosta Stamoulis/F-1  
Eric Cole/F-1  
Moku Chandler/F-1  
Charles Young/F-1  
Mehana Vaughan/F-1

Pua'ala Pascua/F-1  
 Gabe Johnson/F-1  
 Brayven C./F-1  
 Aurora Kagawa Vivani/F-1  
 Jack Kitterner/F-1  
 Michael Lee/F-1  
 Luka Mossman/F-1  
 Kalani Kalima/F-1  
 Nifa Ohai /F-1  
 Kala Winter/F-1  
 Mike Sur /F-1  
 Henry Chang Wo/F-1  
 Adam Anders/F-1  
 Hi' ilei Kawelo /F-1  
 Rocky Kaluhiwa/F-1, F-5  
 Miwa Tamanaha/F-1  
 Kyoto Jr. /F-1  
 Malia Fujisawa/F-1  
 Kimberly Ke Akua Moa /F-1  
 Alan Murakami/F-1  
 Paola Pagan/ F-5  
 Vern Yamanaka-F-5  
 Mehana / F-5  
 Harry Chang Wo/ F-5  
 Kevin Chang/ F-5  
 Makaala Kaaumoana/F-5, F-2, C-2  
 John Griffiths/ F-5  
 Mike Sur/ F-2  
 Rene Umberger/ F-2  
 Alan Hong/ F-2  
 Dennis Yamaguchi/F-2  
 Eric Midick/F-2  
 Corinne Sugiyama/ F-2  
 Hunter/F-2  
 Emu Sing/E-1  
 Francine Wai/C-2  
 Darron Fergerstorm/C-2  
 Mr. Lindsey/J-2  
 David Penn/C1

Emily Cadiz/F-1  
 Kevin Chang/F-1  
 Mac Poepoe/F-1  
 Sterling Wong/F-1  
 Bob Lynal/F-1  
 Brenda Asunchun/F-1  
 Kukana Kamako/F-1  
 H. Springer/F-1, F-5  
 Makani Clark/F-1  
 Betty Chew Go/F-1  
 Pamela Fujii/F-1, F-5  
 Palekapu Dedman/F-1  
 Raphael Burtstrom/F-1  
 Wally Ito/F-1  
 Makani Christensen/F-1, F-5, F-2  
 Vernon Kalani/F-1  
 Shae Makaala/F-1, F-5  
 Carol Wilcox/F-1  
 Kim Humm /F-1, F-5  
 Dan Purcell/F-1, F-2, D-3  
 Leinaala Lightner/F-5  
 Charlie/F-5  
 Sterling Wong/ F-5  
 Presley W./F-5  
 Robert DaMate/ F-5  
 Terry/ F-5  
 Randy Fernley/F-2  
 Gail Grabowski/F-2  
 Louis Crouser/ F-2  
 Gary Aisha/F-2  
 Wayne Sugiyama/F-2  
 Alika Garcia/ F-2  
 Fraizer McGilvry/F-2  
 Jimmy Reynolds/D-8, D-9, C-2  
 Sara Sinchki/E-1  
 Ali Lunasco/C-2  
 Paradise Park/K-1  
 Jonathan Ching/D-3

**Item J-1      Request Approval to Initiate Rule-Making Proceedings to Amend Hawai'i Administrative Rules, Title 13, Section 13-256-73.13, Ahu O Laka Safety Zone Prohibiting the Possession of Alcohol, Disorderly Conduct and Prohibiting Persons Under The Influence of Alcohol, Narcotics or Drugs from Remaining in, or Entering, the Safety Zone on Three-day Weekends Involving a State Holiday.**

The rules can be reviewed online at <http://dlnr.hawaii.gov/dobor/draft-rules/> or can be reviewed or obtained in person at any small boat harbor from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. (Exhibit A)\

**Withdrawn**

**Item A-2      Approval of August 22, 2014 Minutes**

**Unanimously approved as submitted (Gomes, Roehrig)**

**Item M-1      Request for Consent from the Department of Land and Natural Resources for Issuance of Right-of-Entry by the Department of Education for U.S. Department of the Navy Access to Makalapa Elementary School, Tax Map Key: (1) 9-9-075:028.**

Garry Bignami representing the Department of Education-DOE presented item M-1.

Member Gomes asked how long Bignami thought this investigation would take. Bignami said of the right of entry was 36 months and the investigation would determine whether any remediation was necessary or if there is any contamination. Whether they will need to consult with the Department of Health. Surface soils have already been assessed and have been determined safe.

**Unanimously approved as submitted (Char, Gomes)**

**Item M-2      Issuance of a Revocable Permit for Aircraft Parking, Lefebvre, Jeffery S., Honolulu International Airport, Tax Map Key: (1) 1-1-076:023.**

**Item M-3      Issuance of a Revocable Permit for Aircraft Parking, Arial Banners, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013:032.**

**Item M-4      Issuance of a Revocable Permit for Aircraft Parking, Steven E. and Julie M. Prindle, Kalaeloa Airport, Tax Map Key: (1) 9-1-013:032.**

**Item M-5      Issuance of a Revocable Permit for Commercial Helicopter Operations, Hawaii Helicopters, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001:019.**

**Item M-6      Issuance of a Revocable Permit for Sugar Cane Cultivation, Alexander & Baldwin, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001:019.**

**Item M-7      Issuance of a Revocable Permit for Aircraft Parking, Michael Sweeney, Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-012:090.**

**Item M-8      Issuance of a Revocable Permit for a Podium, MC&A, Inc., Lihū'e Airport, Tax Map Key: (4) 3-5-001:008.**

Ross Smith, Property Manager for the Department of Transportation Harbors Division (DOT-HAR) reviewed items M-2 through M-8.

Member Yuen felt this had to deal with the aerial banners around O‘ahu. Smith explained that DOT has no jurisdiction as to what the aircraft does after leaving the ground.

Member Woodside asked if the “foreign object” in the submittal was a typo. Smith said it’s likely based outside of the State, but has a local address, so it would be considered foreign.

Member Roehrig commented that it was illegal to tow signs in the back of an aircraft and asked Smith if DOT has communicated that to the FAA. Smith said yes, the FAA governs the airspace, and they can subject themselves to the County laws, but the parking of the aircraft is not illegal. The parking is all that the department is offering.

Member Roehrig and Member Yuen commented that they had reservations about item M-3, they don’t like the aerial banners.

**Unanimously approved as submitted (Char, Gomes)**

**Item D-1      Quitclaim Conveyance of Board of Land and Natural Resources’ Interest, if Any, in Lehia Lane to Department of Hawaiian Home Lands, Issuance of Immediate Right-of-Entry Permit to Department of Hawaiian Home Lands, Wailua, Līhu‘e, Kaua‘i, Tax Map Key: (4) 3-9-006:025.**

Kevin Moore Assistant Administrator for the Land Division conveyed item D-1.

Jobi Masagatani Director of the Department of Hawaiian Homelands-DHHL was present.

**Unanimously approved as submitted (Gomes, Roehrig)**

**Item F-6      Denial of Request for Contested Case Hearing by Paul Christensen Regarding Hā‘ena Community Based Subsistence Fishing Area, Kaua‘i.**

Fraizer McGilvray Administrator for the Division of Aquatic Resources-DAR and Emma Anders, Staff Planner for DAR stood on the written submittal.

**Unanimously approved as submitted (Gomes, Roehrig)**

**Item F-1      Request for Final Approval to Adopt A New Chapter Under Hawai‘i Administrative Rules as Title 13 Chapter 60.8, Hā‘ena Community-Based Subsistence Fishing Area, Kaua‘i, to Manage and Protect Fish Stocks and to Reaffirm Traditional and Customary Native Hawaiian Subsistence Fishing Practices Within the Ahupua‘a of Hā‘ena.**

**The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of**

**Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.**

*Written testimony was submitted by Ronald D. Kouani, Charles Young, Buddy Wilson, Kevin K.J Chang, Kawika Winter, Waipā Foundation, Maka'ala Ka'aumoana, Mālama Koloa, Henry Chang Wo, Kaniau Wallace, Shae Iene Kamakaala, Eric Enos, Garin Wong, Vann Kamakaala, Janice Rene Yoshioka, Rae Decoito, Denise Antolini, Paepae O He'eia, Keoni Kuona, Kelson K. Poepoe, Allen Kaiaokamalie, Christie C. Costales, Tamara Paltn, Greg Lindsey, W. Leimano Lind-Strauss, Edwin Ekolu Lindsey, Alyson Napua Barrows, Jennifer H. Uitchell, Ku'ulei Keakealani, S. Leilani Navas-Loa, Kapua-Friends of Ho'okena Beach, Kama'aina United to Protect The 'Āina, Ka'imi Kaupiko, Ka'ana Kiolo Moloka'i, Moses Haia III, Manuel N. Mejia, John N (Jack) Kittinger, Hannah Bernard, Adam L. Ayers, Jade M.S. Delevaux, Douglas Teraoka, Wilbert Liu, Alicia L. SalazReyes, Paulina Racadio, Reid Matsushige, Brandon Gene T. Diopulos, Sang Park, Lucille Garcia, Kristal Kamealoha, Kayros Lippue, Ruby B. Delacruz, Timothy Cunnigham, Ryan Wong, Jade Sunochi, Jessica Aldan, Charon K. Hoapili, Rose Panthavong, Denver Simon, Marinela C. Cabading, Robert Hayno Jr., Landon Calotis, Gregory Ruth, Karen Antill, Ruby A. Miller, James L. Makaio II, Sachi Vaetaga, Ghayra Cullen, Amanda Fermantez, Debbie Buignat Lam, Millard E. Tibbs, Anthony Estrades, Christen Kamalii, William Moore, Drew Arire, Juliet S. Bautista, Ronel C. Bautista, Namahana Sandabol, Lilia Fontunilla, Mersadiez Chun, Christyn Labiano, Mikaela Fontanilla, Jason Mohia Jr., Malia Fontanilla, Alia Chun, Brandon Fontanilla, Jon Chun, Ronnie Fontanilla, Isaiah Sagon Chon, Linda Leckie, Bruce Yoshimoto, Kali French, Ted L.K. Kiesel, Adam Stephens, Phillip W. Mathews, Sheldon Sakamoto, Vince Sutherland, Roscoe Bowers, Jensen Suzuki, Amy Hagg, Keith Camacho, Troy Nakamura, James Formidolla, Brysen Iwahashi, Scott Kalona, Michael Kim, Chris Kawabata, Aaron Yamaguchi, Paul, Kuuipo DeRego, Kenneth Scott Wasserin, Ann, Shinya Tateno, Yaneku McCase, Chris Dossey, Jesse Raposa, Robert C. Sheldon, John W. Santos, Keola Thomson, James M. Petty, Garret Kojima, Oseas DagDag, Laura W. Ma, Leiana Evernsen, Jerry Souza II, G. Saito, Rose Ayella, Ray Bonilla, Linda Bonilla, Renee Kuhau, Chris Otis, Rachel Lynel, Maricela Sierra, Cesar Sierra, Hazel Sai Ki, Alejandro Mariano Jr., D. Vasilash, Blessie Cruz, Elise Fernlry, Lane Sugaku, Carolyn Shuman, Shawn Murray, Wesune Stunk, Alina Murraray, Ruhiyyih Jilly, Jennifer Brian, David Vinton, Craig Muriota, Scott Fraser, Dustin Witthoffa, Mark Klintworth, Glenn Fukuda, Huzlden H. Kiesel, Keith Terishima, William H. Hanson, M. Heheg Jilly, Kelleigh Harrison, Curtis Arses, Kane Chun, Andrea Bowers, Adam Pagatraton, Joseph Romano, Cortney Okuna, Brian Vilataral, Ron Castillo, Jeff Bina, Robert Obrien, Jonathan Kuruiwa, Joseph Kuroda, Kohl Kitawa, Derick & Gina Sakura, Caroline Ross, Timothy John Long, Karen RH Long, James Pascua, Michele Guzman, Amanda Fanlry, Dale Engeylarbt, Pono Picarro, Alten Medraro, Agustin S. Alvarez, Darin Soares, Chasity Tuiluma, Jason Nakano, Steven Kaleohano, Leslie S. Fuentes, Adel Ugalino, Justin Young, Jeffery Gomes, Chelsea Huihui-Awa, Christopher J.J. Hicks, William Martin, Richrard Ebla, DeWayne M. Perry, Kerry A.K. Heon, Duane Cruz, Steve Miwe, Alex Casay, Wilffedo Pacler., James, Anthony S. Irigano, Albert Fernandez, Bret Sarria, Jeffery P. Dawson, Danielle Colonbe, Meryle Hirotsu, Scott Reynolds, Michael Elliott, Gartu Glazier, Michale Tock, Debra Higa and Shyla Moon.*

McGilvray presented item F-1, this began in 2006 when the legislature adopted HRS 188-22.9. The work from this community actually began many generations ago and will continue for many

generations to come. This project has been through many assessments, interviews, meetings, and compromises. On October 3, DAR hosted a public hearing at Hanalei and had a huge turn out with overwhelming support. A number of people spoke of the ecological and cultural strength of this rule, and the importance and need for urgent action to safeguard the resources for future generations. Over 600 testimonies have been received with the overwhelming majority in favor. After thorough review DAR has determined this rule represents responsible management and strongly recommends its adoption.

Member Yuen asked if the new system of the handling of administrative fines (traffic tickets), would apply in this situation as well, noting that it would streamline the process. Emma Anders disclosed that the system has not yet been adopted. Once the system is adopted then it could apply.

Member Yuen then asked about the Pu'uhonua at Makua, which is a no entry area. He asked if any swimming or snorkeling across the area would be allowed. Anders confirmed that as the rule is written, no swimming or snorkeling is allowed. Member Yuen if that also prevented people from casting a line. Anders said that since that is considered a take, it that would be a harvest, and its not allowed. It's a no take area.

Member Yuen asked for an aerial map of the area, because it was hard to tell from the submittal what would be a no entry area. Anders distributed a map that showed the depth as well as the boundary of the area. Depth is important because of concerns about impacts on habitat. Member Yuen asked if there was a reason why the reef flat is not part of the Pu'uhonua. Anders explained that the area that the waves wash is going to be less sensitive, so the bigger concern is that the area on the interior that is protected from the waves. Also, in the proposal and the management plan, the reef flat itself is a valuable fishing area for the community.

Member Yuen then asked if there would still be an area for people to go snorkeling. Anders explained that the percentage of snorkelers at Keei is greater than at Makua, so Keei would be available for snorkelers. The outside of Makua would be available for snorkeling.

Member Yuen asked what the scientific basis was for not having people swim or snorkel through the area. Anders said the biggest concern was damage to habitat due to the fact that the area is so shallow.

Chair Aila asked that everyone please be respectful of each other and each other's opinions.

The following testified in support and offered comments: Thomas Hashimoto, Maka'ala Kaaumoana, Ted Blake, Presley Won, Kelii Alapai, Jodi Hashimoto, Annie Hashimoto, Bobby Camara, Reggie Lee, Shaftton Ka'upu, Edwin Lindsey, Sol Kolomona, Scott Crawford, Kekaulike Tomich, Debbie Gowensmith, Kawika Winter, Joel Guy, Scott Granger, Jade Delevaux, Kosta Stamoulis, Terry George, Eric Cole, Lahela Correra, Moku Chandler, Nachea Enes, Charles Young, Noa Kaaumoana, Mehana Vaughan, and Pua'ala Pascua.

11:04 AM RECESS

11:21 AM RECONVENE

The following testified in support and offered comments: Emily Cadiz, Gabe Johnson, Kevin Chang, Brayven C., Mac Poepoe, Aurora Kagawa Vivani, Sterling Wong, Jack Kitterner, Bob Lynal, Michael Lee, Brenda Asunchun, Luka Mossman, Kukana Kamako, Kalani Kalima, K. Springer, Nifa Ohai, Makani Clark, Kala Winter, and Betty Chew Go.

Mike Sur asked that the Board make a provision for taking of invasive species only. He also asked if the Hanalei rule was 15 ft. Anders explained that there was a provision on the vessel length of 14 ft. but it did not apply to Hanalei.

Pamela Fujii and Henry Chang Wo testified in support.

Palikapu Dedmanan testified that he should be exempt from all these restrictions. He didn't feel he should be a criminal for exercising his cultural right to catch fish. .

Adam Anders, Raphael Burtstrom, Hi' ilei Kawelo, Wally Ito, and Rocky Kaluhiwa testified in support.

Makani Christensen testified that there was a double edge to this rule package. He said that a community needed to be defined and asked what defined a community. Christensen said that some of the fishermen feel like they aren't being heard. He said he appreciated everything that Hā'ena has done, but the rules will affect everyone here. Christensen verbally requested a contested case.

Chair Aila explained that the same legal analysis that went through the previous contested case today will go forward with this one. Christensen understood. He said this one establishes standing and establishes how these families were not consulted in the process of making these rules.

Miwa Tamanaha, Vernon Kalani Kyoto Jr., Shae Makaala, Malia Fujisawa, Carol Wilcox, Kimberly Ke Akua Moa, Kim Humm-TNC, and Alan Murakami testified in support.

Dan Purcell stressed how important public participation was and highlighted certain testifiers. He also addressed various procedural issues.

Member Gomes make a motion to approve as submitted, by overwhelming support he believed this was a step forward. Member Yuen seconded.

Chair Aila asked staff to comment on the harvesting of invasive species since the question was brought up by a couple of testifiers. Chair Aila asked if there would be a special use permit. Anders explained that as the rules are written, there is no prohibition on the take of any particular invasive species. Prohibition is on commercial take and gear restrictions. DAR does have the authority to issue special activity permits for management activities. This is needed to be done very carefully to be sure there is no bycatch. Chair Aila encouraged the community to have that discussion as well.

Member Yuen was impressed by the commitment from other islands. The most impressive thing for him was the consensus achieved in this process. He encouraged other islands to go forward as well. One concern Member Yuen had was the no entry into the Pu'u'honua. He said he normally is reluctant to close off areas for people swimming through and enjoying the area, rather than taking something. Being out in nature is how people learn to love nature. In this case, he respects the work that has been done, and is happy to vote for this motion.

Member Roehrig commented everyone needs to work together. He was very pleased, and applauded everyone.

Member Woodside thanked everyone.

Member Gomes commented that with Hā'ena moving forward, there would be a lot of other communities moving forward as well. He supports this 100%.

Member Char commended staff..

Chair Aila asked the maker of the motion to amend the motion to include the need for dealing with the contested case, having the decision stayed until the administrative process of the contested case is completed. Member Yuen was fine with that. Member Gomes seconded.

Audience applauded.

1:23 PM      RECESS  
2:07PM      RECONVENE

**Unanimously approved as amended (Yuen, Roehrig)**

**Item D-4      Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3592 Hawaii Planing Mill, Ltd. dba HPM Building Supply, Lessee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3592; Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-032:067,078.**

**Item D-5      Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3609 Hawaii Planing Mill, Ltd., Lessee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3609; Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-032:068,070.**

**Item D-6      Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3611 William MacKenzie, Trustee of Nelle Wood Carlsmith Trust, Donn W. Carlsmith, Trustee of the Hiroaki Kono Trust Lessee and HPM Building Supply, Ltd.; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease**



**Provisions for General Lease No. S-3611; Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-032:021.**

Kevin Moore-LAND had one amendment: there was a staff request in the submittal that newly determined rent not be subject to arbitration, but with the advice of counsel, LAND wants to take that out.

The applicant was okay with the submittal.

**The Board amended the submittals (D-4, D-5 & D-6) to delete the language stating that the rent determination for the extension period will not be subject to arbitration. The Board clarified that the rent for the extension period will be determined in accordance with applicable law, including, without limitation, Act 168 Session Laws of Hawaii 2014.**

**Unanimously approved as amended (Roehrig, Char)**

**Item F-5 Request for Approval to Hold Public Meetings and Hearings Pursuant to HRS Chapter 91, to Amend Hawaii Administrative Rules (HAR) Title 13, Chapter 60.4, “West Hawai‘i Regional Fishery Management Area, Hawai‘i,” to Establish the Ka‘ūpūlehu Marine Reserve to Allow for the Recovery of Nearshore Fishery Stocks.**

**The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.**

*Written testimony was submitted by Elia Y.K. Herman, Thorne Abbott, Kevin K. J. Chang, Kamana’opono Crabbe, Suzanne D. Case, David Chai, Riley E. Coon, Leimana Damate, Malia L. Kipata, Caroline Landry, Leina’ala Keakakealani Lightner, Leilani Loa, Noelani Mamaril, Jeffery Manu, Davianna McGregor, Melissa Van Der Mevove, Robin Newbold, Christine Owens, Nicole Tachibana, Brad Tarr, Vern Yamanaka, Kekaulike Tomich, Reggie Lee, Michael P. Tomich, Francis A Raddle, Marjorie Ziegler, Thelma Tomich, Ryan Belcher, and Hi’ilawe Beamer Tomich*

Member Woodside disclosed that she was advised that she may participate on this item by the AG’s office.

Fraizer McGilverary-DAR presented item F-5 as the second community in the State that wishes to follow the same route as the previous Hā‘ena submittal.

Member Roehrig asked for confirmation that this meeting was for anyone to attend and where the meeting would be held. Emma Anders-DAR said anyone can attend; it hasn't been scheduled yet, because that would be pre-decisional, but it would be in West Hawaii.

Member Yuen asked what the expectation was if someone were fishing for something and they caught a species that they weren't supposed to. Anders said to catch and release.

The following were present and testified in support: Hannah Springer (Ka'upulehu), Paola Pagan (Ka'upulehu), Leinaala Lightner (Ka'upulehu), Rocky Kaluhiwa (Aha Moku), Vern Yamanaka (Ka'upulehu), Kelii Alapai (Haena), Bobby Camara (Ka'upulehu), Reggie Lee (Ka'upulehu), Edwin Lindsey III (Haena), Sol Kahoolalahala (Maunalei Ahupa'a), Kekaulike Tomich (Ka'upulehu), Kawika Winter (Hui Maka'ainana o Makena), Charlie, Mehana, Sterling Wong (OHA), Harry Chang Wo, Presley W. (Hui Mai), Kevin Chang (KUA), Robert Damate, Makaala, Shae, Terry, Palama Fujii, and Kim Humm (TNC).

John Griffiths and Makani Christensen were opposed.

Member Yuen made a motion to approve. Member Gomes seconded.

Member Roehrig encouraged those who don't agree to work together.

All members were in favor, audience applauded.

**Unanimously approved as submitted (Yuen, Gomes)**

**Item F-2      Request for Final Approval to Adopt New Hawai'i Administrative Rules, Chapter 13-77, O'ahu Aquarium Life Management, to Establish new Regulations on Gear, Bag, and Size Limits for Aquarium Collecting on Oahu.**

**The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.**

*Written testimony was submitted by Fraizer McGilvray, Lois Crozer, Inga Gibson, Alma McGoldrick, Marjorie Ziegler, Julie Brown, Erika Becerra, Keith Christine, Douglas Fetterly, Cathy Goeggel, Gregg Grawell, Donnie Miller, Rene Umberger, Sharon L. Pang, Waimea Williams, Teresa M. Telecky, Wayne Sugiyama, Christine Schmat, Ron Tubbs, Forrest A. Young, Maria Chow, Stevonn G. Olson, Bruce Carlson, Howarra Hofelian, Ziggy Livant, James Duff, Makaala Kaaumoana, Douglas Feraloa, Wilbert Liu, Alicia L. Salaz Reyes, and Paulina Racadio*

Alton Miyasaka represented the Division of Aquatic Resources-DAR on item F-2. This is a new proposed rule to better manage the aquatic resources that are being taken by aquarium collectors on the island of O'ahu. The rules are primarily intended to reduce waste and overcrowding by the collectors. This is part of a process that began with members of the commercial aquarium industry.

Randy Fernley signed up to testify, but he had to leave, however a representative read Fernley's testimony in support of the rule package.

Mike Sur testified in support.

Dr. Gail Grabowski (handed out document), Environmental Studies Director at Chaminade University explained that she supported fisheries and management, however she had done research with her students over the years, counting fish and she doesn't support these limits. These are no limits at all. Grabowski said she asked for the State's records on how many fish were reported to be collected by collectors over the past 10 years and took those numbers and used them to determine if the proposed limits would actually be reducing any of the fish that are being collected and the answer is no. Grabowski explained her handout, showing that these aren't limits. She said that the data needs to be looked at. The cover letter says there is no data, but she brought 5 abstracts from 5 papers that discuss aquarium fish, and the depletion collecting is causing. Grabowski felt like there needs to be protected areas that really have limits. She explained that if this is passed, it will look like there are limits that are being proposed but will actually not be limits. She said there needed to be limits that would ensure that the collecting is sustainable.

Member Gomes asked Grabowski if she had any proposals. Grabowski's proposal was that we take time and have a discussion, look at what has been done and work together to come up with a plan. Member Gomes then asked Grabowski if she had a concept of what would be realistic. Grabowski said that the fish in Hanauma Bay are about 10 times more than anywhere else.

Member Woodside asked Grabowski if she thought Hanauma Bay was a healthy system. Grabowski thought Hanauma Bay was small, but since the fish are depleted outside of Hanauma Bay, they are not getting the recruitment because their larvae goes out.

Chair Aila asked Grabowski if she had information on catches prior to 1982. She said she only asked for data 20 years back, although she has seen the plot, and knows that the intensity was greater back in time. Chair Aila offered his explanation; in 1982 hurricane Iwa, and hurricane Iniki in 1992 and the reason there were larger catches after the hurricanes is that they leveled the grounds off western and southern Oahu so only a few places had any structure that concentrated the fish and made collecting easier and more productive. The environment was different after the two hurricanes. Grabowski said that didn't explain why Hanauma Bay has 10 times more fish. Chair Aila said it was because Hanauma Bay was not hit as bad as the south and west shores.

Rene Umberger Director, For the Fishes, and a Coral Reef consultant for Humane Society of the United States said that she has been educating the communities on the impacts on the aquarium trade since 2008. She said she was one of the 4,000 people that submitted testimony against this rule two years ago and was present today to ask that the Board hold this item. Fisheries limits should be science based and limit based, and neither is true in this rule. They should at least be community based, formulated in close collaboration with stakeholders that are impacted. As they stand, the proposed limits are founded on the misconception that aquarium fish are not depleted. Umberger said she found it odd that the submittal was written by the Chairperson, not the DAR Administrator. Chair Aila said he would be completely honest, and said he didn't agree with the Administrator, and that is why this submittal is before us. Umberger explained that science based management is needed.

Louis Crouser read a letter from a friend, Kitty Courtney wrote to Chair Aila in December of 2012. The letter was in response to the proposed modifications to chapter 77 of title 13 Hawaii Administrative rules "Oahu Aquarium Life Management". The letter was written in opposition because the proposed impacts are not based on any scientific evidence; there has been no environmental impact of the aquarium trade. Daily bag limits would apply to an unlimited, unknown number of collectors and there is no limit on the number of commercial permits issued.

Chair Aila clarified that the State was sued for the environmental impact statement, and the State was successful in defending that suite, at least for the first round. It has been appealed.

Crouser then read the letter that was given to her today by Courtney, again in opposition. Crouser next read her own testimony in opposition. She asked that there be no catch allowances for commercial aquarium fishes. Crouser asked that the department speak to those in the communities.

4:40 PM Member Roehrig departed.

Makani Christensen, a commercial fisherman testified in support.

Alan Hong testified that the points made by Gabrowski and Umberger were important, however after working at Hanauma Bay he has learned that any regulations will lead you to success.

Gary Aisha testified in support because these are real restrictions.

Makaala Kaaumoana of Hui Hoomalu testified in opposition.

Matthew Ross a fisherman testified in support. Ross read a statement from an individual that wasn't able to make it.

Dennis Yamaguchi read his testimony in support.

Wayne Sugiyama a buyer of aquarium fish testified in support. Sugiyama read a letter from Dr. Bruce Carter, former Director of the Waikiki Aquarium.

Eric Midick, Alike Garcia and Corinne Sugiyama all testified in support.

Frazier McGilvray testified since it was long after 4:30pm, he was no longer employed as the Administrator for DAR he was testifying on his own behalf. He indicated that yes he and the Chair had a disagreement as to what the submittal should be. McGilvray handed out copies of what his submittal was that he submitted. Attached was data that that showed That more fish were actually being taken out. He pointed out that he did not believe in a ban on the aquarium trade. He felt these rules should be sent back and worked on more, because he didn't believe these rules were based on any science. He believes in a multi-stakeholder approach and doesn't believe that was done. By doing these in one meeting, and having one staff person meeting with one staff member from the University shows the Department's naivety. He encouraged staff work with all stakeholders and that everyone's opinion should be taken into account.

Chair Aila asked what would be the impact on passing these rules. McGilvray said that the impact on passing these rules is like karma and the government coming together and saying that they want speed limits set at 400 mph. If these rules were passed right now, changing the rules would be more difficult than sending them back to the division and come back to the board. This needs to be brought back with more scientific numbers.

Chair Aila asked if he was okay with not having a speed limit at all (not having any rules passed). McGilvray said he would rather have no speed limit and then coming back with a rule that is acceptable to everyone and all stakeholders.

Member Gomes asked McGilvray if he thought a 12 month period would be enough time to come back to the Board. McGilvray said he thought so.

Member Yuen was curious as to why the numbers taken on a day was a big issue. McGilvray said they weren't accurate; the numbers aren't based on science. If there was a rule that had bag limits based on science then that would be more robust. He said he was in favor of quotas as long as they were favorable and transferrable.

Member Yuen didn't get how you would get from a daily bag limit whether you would get 10,000; 20,000 or 5,000 based on the fisheries. McGilvray said it was all mathematical, if your limit is 10,000; then you set your limit at 10,000. Member Yuen asked if it mattered how many fish they catch a day. McGilvray said that was catch shares, if you go into a catch share, then you are moving toward comprehensive management. Chair Aila commented that was also privatizing the fishery. McGilvray said you could privatize or have bag limits or you could have freedom of the commons which is what we have now.

Member Yuen asked if we have the ability to determine a sustainable level of fisheries for these various species of aquarium fish on Oahu, and can that be presented in a year's time. McGilvray said yes, that he would hope that it could be presented in a year, but it would have to be multi-stakeholder like earlier today with Hā'ena.

Member Yuen said he still didn't understand the bag limits, it's not going to control anything. McGilvray said he's just asking for a multi-stakeholder approach. Member Yuen said the key thing is not the daily bag limit, but if and when you hit that number of 10,000; 20,000 or whatever it is. McGilvray said he would agree with that as opposed to the the daily bag limit.

Member Yuen summarized what he thought was going on: the aquarium fish guys are saying that there are no rules now, so this is a step forward; McGilvray is saying we can do better, and the others in opposition are saying this is a lost opportunity;; they want a much more comprehensive set of rules. McGilvray said he felt if this were passed it would be put away and never seen again, if not then the division needs to go back and refine using a multi-stakeholder transparent process..

Member Gomes asked McGilvray if he thought this would have to be community based also, other than scientific. McGilvray said yes, it would have to be.

Chair Aila indicated that this has been done before, and of the 4,000 people responding, the majority of them have said they don't want any aquarium fishing, so he didn't know how they would get to that community based process.

Chair Aila asked McGilvray, being a fisheries manager if fishery X catch per unit had remained stable for 20 years what's wrong with that fishery. McGilvray said it depends, other things needed to be taken into account. Chair Aila asked the same question, but if technology had remained the same for 10 years. McGilvray said he would have to defer to the numbers on the submittal he wrote. Chair Aila called Miyasaka and asked him how this fishery has been for the past 20 years. Miyasaka said it has been stable. Chair Aila made it known that it has been stable and the fisherman have been asking for rules. He is no longer an aquarium fisherman, he has spent years in these waters, he went through hurricanes 'Iniki and 'Iwa and knows what the reefs look like, and he knows what recruitment looks like, he knows what they take out. Chair Aila said the catch per unit effort, the standard way of measuring a fishery's status, indicates this fishery is healthy.

Dan Purcell testified that this isn't about subsistence, it's about a vanity business. Purcell commented that Chair Aila was leading the testifier.

A hunter testified if you ban this, you ban all the fish around the islands, but what is going to sustain them.

Member Char made a motion to accept staff recommendation and approve the regulations. Member Woodside seconded.

Member Char commented the he was troubled. The commercial fishermen are entitled to some regulation and it seems as though they have made an attempt to come forward. Member Char said there needs to be a compromise, and doesn't know why it would take a year to study

everything. He feels these rules need to pass now so that it will give everyone the opportunity to look at this and in 6 months to a year, we can come back and make an adjustment. He didn't see this going back to the legislature.

Member Gomes said he was on the fence with this, and sees both sides, but thinks it's a great stride for the commercial fishermen to come forward to set guidelines. He agreed with Member Char that this can be revisited in about 6 months to see where we are at with this and come to a compromise all the way around.

Chair Aila asked if that was an amendment.

Member Char said he is was for passing this and would like to get a written report back at some point. He said an amendment to the motion to pass and bring back a report in 6 months was fine with him, unless the division didn't feel like this was something that could be completed in 6 months.

Member Woodside suggested directing the department to hold rule review meetings to be inclusive of stake-holders and report back.

Miyasaka said that if the Board was asking for a maximum sustainable yield number, that can be done in 6 months, but if they are asking for a quota in 6 months, that can't be done. A quota system requires that there be a stock assessment of some kind. The Feds are in the process of doing a coral reef stock assessment but its not due until 2016. They may consider all the species as one species in a stock assessment. When you do a stock assessment you look at one species over time and look at how changes in the fishery over the year affect the total take of that fishery. A stock assessment of one species can take a lot of time, over a year. Here we are talking about over 300 species. Even the federal government can't do that. A general fisheries stock assessment can be done, or it can be broken down into families.

Member Char asked if they could do 6 months, with 6 fish. Miyasaka explained that the department doesn't have the internal capacity to do that.

Member Yuen thought McGilvray said that in a reasonably short time they could determine what the catch limit could be. Chair Aila said you would have to agree on where the fish counts would occur that alone might take 6 months. Right now there is a disagreement on where the fish are.

Member Yuen was also concerned that this becomes the end of story and is concerned about making decisions on something that hasn't been presented. He asked if biology to come up with sustainable catch levels would need a lot more work. Miyasaka told Member Yuen that if he was asking the maximum sustainable yield by family, then they have that information already. At the present time, he cannot do individual species within each family. It would be hard to calculate a daily bag limit from an annual catch limit.

Member Yuen asked if Oahu was at the maximum sustained yield. Miyasaka said the assessment is based on a statewide average, it doesn't break it down by island. Statewide, we are under the MSY (maximum sustainable yield). There are some families whose catch are over the Annual Catch Limit, which is not the same as MSY, like parrot fish.

Member Yuen said the present motion is to adopt the rules, direct the department to come back in 6 months after consultation with all affected groups, look at the catch situation, and see what needs to be done about that.

Member Woodside asked staff if getting more specific on what they would like to see back in 6 months would be more helpful. She senses that the methodology and the metrics are not in agreement. If the bar is too low, then aim in 6 months to come back on agreement on what is going to be the metric and how the science is going to be collected. She was inclined to approve today but would like to be realistic as to the time frame.

Member Char said he sensed the motion was to approve the rule, have staff gather more data and come back with any suggestions, and just generally report back in 6 months. If more time is needed then it can be looked at, at that time.

Chair Alia said there needs to be some objectivity. He asked if the Oahu members would be willing to work with everyone. Member Char and Woodside agreed.

**Unanimously approved as amended (Char, Woodside)**

**Item D-7      Authorize and Consent to the State of Hawaii, Department of Defense  
Entering Into Agreements for Civil Defense Warning Sirens on State Lands  
Managed by Other Departments or Agencies of the State, the City and  
County, or County, at Various Locations, Statewide.**

Kevin Moore-LAND conveyed item D-7.

Member Woodside asked if the final transaction agreement was the MOA plus the license. Moore confirmed. There are no risks, the department just loses a little information that we would normally have about our property. The license agreements can be terminated on their own terms.

Member Gomes asked why the outer islands only have one. Moore said there were about 500 cites.

**Unanimously approved as submitted (Gomes, Char)**

**Item D-8      Rescind Prior Board Action of August 9, 2013, Item D-17:**

**Consent to Assign General Lease Nos.:  
S-3795, Hanapēpē, Waimea, Kauaʻi, Tax Map Key: (4) 1-4-01: pors.;**



**S-4028, Pāpa‘anui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;**  
**S-4130, Humu‘ula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-9-02: pors.;**  
**S-4320, Punahoa 2<sup>nd</sup>, South Hilo, Hawai‘i, Tax Map Key: (3) 2-3-22: pors.;**  
**S-4402, Nānākuli, Waianae, O‘ahu, Tax Map Key: (1) 8-9-08: pors.; and**  
**S-4614, Humu‘ula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-8-01: 1 & 10**  
**pors.**

**Hawaiian Telcom, Inc., Assignor, to Global Tower Assets, LLC, Assignee;**  
**Authorize Chairperson to Execute Estoppel Certificates in Favor of Global**  
**Tower Assets, LLC;**

**Consent to Assign General Lease Nos.:**

**S-4223, Mount Ka‘ala, Mokuleia, Waiālua, Ōahu, Tax Map Key: (1) 6-7-03:**  
**pors.;**

**And**

**S-4588, Kalāwahine and ‘Opu, Honolulu, O‘ahu, Tax Map Key: (1) 2-5-19:**  
**pors.**

**Hawaiian Telcom, Inc., Assignor, to GTP Structures I, LLC, Assignee;**  
**Authorize Chairperson to Execute Estoppel Certificates in Favor of GTP**  
**Structures I, LLC;**

**Amendment of General Lease Nos. S-3795, S-4028, S-4130, S-4223, S-4320,**  
**S-4402, S-4588, and S-4614 to Update the Provisions Relating to Assignment**  
**and Subletting, and to Provide that the State shall Receive a Percentage of**  
**New Sublease Rents;**

**Amendment of General Lease No. S-4130 To Set forth the Correct**  
**Termination Date of the 31<sup>st</sup> day of December, 2022; Amendment of General**  
**Lease No. S-4320 To Set forth the Correct Termination Date of the 31<sup>st</sup>**  
**day of December, 2034; and**

**Consent to Sublease General Lease Nos. S-3795, S-4028, S-4130, S-4320,**  
**S-4402, S-4614, Global Tower Assets, LLC, Sublessor, to Hawaiian Telcom,**  
**Inc., Sublessee; Consent to Sublease General Lease Nos. S-4223 and S-4588,**  
**GTP**

**Structures I, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee**  
**And,**

**Rescind Prior Board Action of October 25, 2013, Item D-9:**

**Amend Prior Board Action of August 9, 2013, Item D-17.**

**The Purpose of the Amendment is to Change to Approved**  
**Assignee/Sublessor for General Lease Nos. S-3795, S-4130, and S-2614 from**  
**Global Tower Assets, LLC to GTP Structures I, LLC; and to Change the**  
**Approved Assignee/Sublessor for General Lease No. S-4588 from GTP**  
**Structures I, LLC to Global Tower Assets, LLC.**

**Item D-9      Consent to Assign General Lease Nos.:**  
**S-3795, Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-4-01: pors.;**  
**S-4130, Humūula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-9-02: pors.;**  
**S-4223, Mount Ka‘ala, Mokulē‘ia, Waiālua, Ōahu, Tax Map Key: (1) 6-7-03:pors.;**  
**S-4588, Kalāwahine and ‘Opu, Honolulu, O‘ahu, Tax Map Key: (1) 2-5-19: pors.; and**  
**S-4614, Humūula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-8-01: 1 & 10 pors.**  
**Hawaiian Telcom, Inc., Assignor, to InSite Towers Development, LLC, Assignee;**

**Consent to Assign General Lease Nos.:**  
**S-4028, Pāpa‘anui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;**  
**S-4320, Punahoa 2<sup>nd</sup>, South Hilo, Hawai‘i, Tax Map Key: (3) 2-3-22: pors.;**  
**and**  
**S-4402, Nānākuli, Waiānae, O‘ahu, Tax Map Key: (1) 8-9-08: pors.**  
**Hawaiian Telcom, Inc., Assignor, to Mauna Tower of Hawaii, LLC, Assignee;**

**Amendment of General Lease Nos. S-3795, S-4028, S-4130, S-4223, S-4320, S-4402, S-4588, and S-4614 to Update the Provisions Relating to Assignment and Subletting, and to Provide that the State shall Receive a Percentage of New Sublease Rents;**

**Amendment of General Lease No. S-4130 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2022; Amendment of General Lease No. S-4320 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2034; and**

**Consent to Sublease General Lease Nos. S-3795, S-4130, S-4223, S-4588, and S-4614, InSite Towers Development, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee; Consent to Sublease General Lease Nos. S-4028 and S-4320, Mauna Towers of Hawaii, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee.**

Kevin Moore-LAND said that D-8 and D-9 were related, the Board previously approved the assignment for Hawaiian Telcom lease sites to the Tower operator, that transaction didn't go through, so D-8 will rescind the prior Board action. Hawaiian Telcom has found two new operators to take the assignments. Once the assignment is done for some sites Hawaiian Telcom will take the sublease of that and pay rent to the assignee and the state will get a cut of the sublease.

Member Char asked if the revenues were set on a certain amount. Moore said there is a set base rent for each lease that the assignee pays now and the State will take a cut for each of the subleases; 20% for the 1<sup>st</sup>, 30% for the 2<sup>nd</sup>, 50% for the 3<sup>rd</sup> and any subsequent.

Jimmy Reynolds thanked the Board and pointed out that this was approved last time, and was close to being a final deal. Reynolds apologized for this coming back to the Board, but Global Tower was purchased by American Tower and American Tower elected not continue about 75% of Global Towers deals. This time they are using two vendors instead of just one because of the financial division of the towers.

**Unanimously approved as submitted (Char, Yuen).**

5:40PM RECESS

5:53PM RECONVENE

**Item E-1 Request for Approval of the Design of a New Warning Sign and, and the Placement of Act 82, SLH 03, Warning and Management Signs at Identified Locations of Ka'ena Point State Park Reserve, Mokulēia Section, and Adjacent Land, O'ahu.**

*Written testimony was submitted by Paul Baker, Mike Bishop, Dawn Bruns, John Chung, Mars Grliego, Debora Halbert, Christine S. Miyasaki, Frick Murdock, Kevin Newsnow, and Mike Richardson.*

Dan Quinn Administrator for State Park-PARKS explained that this area is used for rock climbing. There was an incident a couple of years ago which resulted in an injury. The area has been closed since then. Signs were posted after a submittal to this Board. A process was set up to design and install signs which include the risk assessment working group and final approval by this Board. Different signs have been created to allow PARKS to open the area. There are two different kinds of signs being proposed.

Member Yuen commented that he hoped there was a process on checking on if the sings have remained in place. Quinn said there is a 180 day inspection process.

Emu Sing and Sara Sinchki testified in support.

**Unanimously approved as submitted (Woodside, Gomes)**

**Item C-2 Request for Approval to Adopt Proposed Amendments to Hawaii Administrative Rules (HAR) Chapter 13-122, "Rules Regulating Game Bird Hunting, Field Trails and Commercial Shooting Preserves"; Clarifies Definitions, Allows the Board to Issue Permits, Clarifies Rules Related to Hunting on Private Land, Updates Public Hunting Areas, Bag Limits, Open Hunting Periods, Safety Zones, Exhibits, and Conditions and Restrictions, Allows for Temporary Closure, and Sets Fee Schedule for Licenses, Stamps, and Tags; and Chapter 13-123, "Rules Regulating Game Mammal Hunting"; Clarifies Definitions, Allows the Board to Issue Permits, Updates Public Hunting Areas, Bag Limits, Open Hunting Periods, Safety Zones, Exhibits,**

**and Conditions and Restrictions, Allows for Temporary Closure, and Sets Fee Schedule for Licenses, Stamps, and Tags.**

**The Rules can be reviewed online at [HTTP://DLNR.HAWAII.GOV/DOFAW/RULES/DRAFT-RULES/](http://DLNR.HAWAII.GOV/DOFAW/RULES/DRAFT-RULES/) or in person at any DOFAW office during normal office hours.**

Lisa Hadway Administrator of the Division of Forestry and Wildlife-DOFAW presented item C-2, this will restore fees and also allows DOFAW to update conditions, maps and descriptions of hunting areas, it also removes some areas and adds some areas. In addition a memo was distributed with non-substantive changes. The recommendation is that Board approve the adoption of the proposed amendments.

Chair said there was some misinformation put out that this current rule change would limit dogs being used for hunting. Hadway indicated that at this time DOFAW is not limiting any number of dogs associated with hunting, it was one of the proposed rules but it was removed. It is something that may be looked at in the future, but not at this time.

Francine Wai, Executive Director of the Disability and Communication Access Board-DCAB testified that they have proposed changes as it relates to the sections where the department is proposing to amend the rules to provide modifications for disabled hunters. DCAB is in support of the changes, but have some amendments that have to do with the definition of a disabled hunter. They are suggesting language that the department shall have the authority to establish specific qualifications for disabled hunters to modify policies and procedures in accordance with the National and State standards and to issue permits for disabled hunters that are consistent with existing disability definition rules and statutes. This is basically saying that those permits are less restrictive for disabled hunters. Those are the only specific requests, but they also have a list of comments that DCAB would like the department to look at.

Chair Aila asked Wai for their amendments again. Wai's first request was to leave the definition of term "disabled hunter" as it reads in current existing rules, 2- amend language of 13-222-5.1(c) and 13-123-5.1 (c) to read as proposed in DCAB written testimony and 3- change references to special permit for disabled hunters to read permit for disabled hunters. AG Cindy Young felt like the changes would not be substantive.

Ali Lunasco President of the Pig Hunters Association testified expressing his concerns about bag limits, pet dogs in hunting areas, and hikers that don't leash their dogs. Lunasco also felt like limiting dogs would be more hazardous and would cause a bigger problem.

Darron Fergerstorm, a hunter, testified that there should be rules for hikers if they want to hike, one of which is that they should wear blaze orange. This is for their own safety.

Makaala Ka'aumoana testified in support of the amendments.

Jimmy Reynolds testified that limiting the number of dogs is not the answer. He also felt like training is very important for hunters.

Member Yuen made a motion to approve as amended per the discussion about the amendments. AG Young clarified what the amendments were. Member Gomes seconded the amendment.

**Item C-2 was approved with the following conditions: 1- leave the definition of term “disabled hunter” as reads in current existing rules. 2-amend language of 13-122-5.1 (c) and 13-123-5.1 (c) to read as proposed in DCAB written testimony. 3- references to special permit for disabled hunters be amended to read permit for disabled hunters.**

**Unanimously approved as amended (Yuen, Gomes)**

**Item K-1 Conservation District Use Permit (CDUP) OA-30 Requesting Modifications to Paradise Park by Paradise Park Incorporated, Located at Mānoa Valley, O‘ahu, Tax Map Key (1) 2-9-054:018.**

Sam Lemmo Administrator of the Office of Conservation and Coastal Lands-OCCL conveyed item K-1. He explained that this was a request by Paradise Park Inc. to conduct modifications to the Paradise Park Attraction. They want to revitalize, repair and maintain the existing facility under a Hawaiian Cultural Theme.

Chair Aila asked Lemmo if there were any changes to the submittal, Lemmo said there were no changes.

Paradise Park had two clarifications to the submittal. 1) With respect to condition #1 regarding not being subleased; the restaurant is approved for use, is independently operated. They want to make sure that it doesn’t fall into retail and office use to independent entities. They just want to be sure they have no issue with the restaurant being operated the way it normally does. Lemmo had no issue. 2) Regarding submitting the existing and proposed layout, there was a proposed layout (exhibit B-1) and they wanted to be sure that this was something that would apply on future changes. Lemmo said that was fine, but they may ask for additional information as things move along.

Chair Aila commented that it is on the record that this is acceptable and there may be some tweaking. Also the restaurant shall not be considered a sublease to an independent entity for retail or office space.

Member Woodside asked who their Hawaii Cultural Consultant was. The representative said Michael Pang.

**Unanimously approved as submitted (Woodside, Gomes)**

**Item J-2 Request Approval to Issue Revocable Permits, to the Seven Commercial Catamaran Operators Permitted to Embark and Disembark Passengers on**

**Waikīkī Beach, for the Purpose of Placing Permanent Anchors in the Beach  
in Order to Secure the Vessel.**

Ed Underwood- DOBOR explained that this was a follow up to the rules that the Board just passed.

Mr. Lindsey supported the submittal and thanked Underwood and DOBOR.

**Unanimously approved as submitted (Gomes, Yuen)**

**Item D-3      Mutual Cancellation of General Lease No. S-3941, Smith's Motor Boat Service, Inc., Lessee; Issuance of a New Direct Lease to the Office of Hawaiian Affairs; and Consent In Concept to Sublease Between the Office of Hawaiian Affairs, as Sublessor, and Ho'omana, as Sublessee, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-004:021.**

Kevin Moore-LAND presented item D-3. The Office of Hawaiian Affairs-OHA has done due diligence on the site and is still willing to take the property. OHA is requesting that the Board reserve the right to place easements over the southern end of the property for a sewer line and pedestrian access to reach state parks.

Member Yuen had a question about the Board transferring income producing property to OHA, he said it seemed like they had a long term commercial development on the site. He asked what the policy was.

Johnathan Ching property manager-OHA explained that the Board approved the taking of the lease to continue the use. The current use is a thrift shop, used for assisting disabled children, there is also a senior program.

Member Yuen asked why this was an OHA program. Ching detailed that OHA and Ho'omana does a program for the Hawaiian communities, the children that they are assisting have no other programs available. There has been lots of support from the community.

Member Yuen asked why it was better for their program to be under OHA than the State. Chair Aila explained that OHA would provide the insurance.

Member Yuen asked if OHA was interested in possible commercial development of the property. Ching wasn't aware of any interest at this time. They would expand their services, which is the thrift shop.

Dan Purcell expressed his concern about this; to him this is about land and money. In exhibit E OHA wants to revise the character of use. Purcell said he was supportive, but this needs to be done right and not on the back shelf. He feels like it has a lot to do with Kakaako.

Member Yuen said there is consent to sublease clause to a nonprofit. That would then be a Board action. He said he has nothing against OHA, but if there are going to be transfers than it has to count against something.

**Unanimously approved as submitted (Yuen, Gomes)**

**Item C-1      Approval in Concept the Addition of Tax Map Keys (2) 1-4-001: Portion of 001 and (2) 1-5-001: Portion of 001 Comprising Approximately 190.10 Acres, to Hāna Forest Reserve, Hāna, Maui.**

**Approval in Concept the Withdrawal of Tax Map Keys (2) 1-4-001: Portions of 003 and 004, Comprising Approximately 399.91 Acres, from Hāna Forest Reserve, Hāna, Maui.**

**Approval in Concept the Withdrawal of Tax Map Key (2) 4-8-001: Portion of 002, Comprising Approximately 1.28 Acres, from West Maui Forest Reserve, Lāhainā, Maui.**

**Approval in Concept the Withdrawal of Kaumahina State Wayside and Pua‘a Ka‘a State Wayside, Tax Map Keys (2) 1-1-001: Portion of 044, (2) 1-2-001: Portion of 003 and (2) 1-2-004: Portion of 005, Comprising Approximately 7.80 and 1.712 Acres, Respectively from Ko‘olau Forest Reserve, Hāna, Maui.**

**Approval in Concept the Withdrawal of Polipoli Spring State Recreation Area Tax Map Keys (2) 2-2-007: Portions of 001 and 003, Comprising Approximately 7.00 Acres, from Kula Forest Reserve, Makawao, Maui.**

**Approval for Set Aside of Tax Map Key (2) 1-1-001: Portion of 044 Comprising Approximately 7.80 Acres, Hāna, Maui to the Division of State Parks as Kaumahina State Wayside.**

**Approval for Set Aside of Tax Map Keys (2) 1-2-001: Portion of 003 and (2) 1-2-004: Portion of 005, Comprising Approximately 1.712 Acres, Hāna, Maui to the Division of State Parks as Pua‘a Ka‘a State Wayside.**

**Approval for Set Aside of Tax Map Keys (2) 2-2-007: Portions of 001 and 003, Comprising Approximately 7.00 Acres, Makawao, Maui to the Division of State Parks as Polipoli Spring State Recreation Area.**

David Penn-DOFAW had no changes.

**Unanimously approved as submitted (Gomes, Char)**

**Item D-2      Amend Prior Board Action of May 9, 2014, Item D-1 by Request for Right-of-Entry Permit and Grant of Term, Non-Exclusive Easement to Stephanie L. Skow, Katherine L. Skow, and Matthew O. Nelson for Seawall Repair Purposes, Waipouli, Kawaihau, Kaua‘i, Tax Map Key: (4) 4-3-009:seaward of 001.**

**Item D-10      Amend prior Board action of September 13, 2013, Item D-8; Issuance of (1) a right-of-entry permit for construction of an overhead guideway; (2) a grant**

**of a perpetual non-exclusive easement for an overhead guideway; and (3) a direct lease for a park-and-ride facility, all on State lands in East Kapolei, Honouliuli, 'Ewa, O'ahu, TMK (1) 9-1-17:97 por., to City and County of Honolulu for its planned rail transit project.**

**And**

**The purpose of the amendment is to extend the right-of-entry permit for construction of an overhead guideway for one (1) year.**

*Written testimony was submitted by Tyler Dosantos-Tam.*

Moore-LAND had no changes to items D-2 & D-10.

**Unanimously approved as submitted (Gomes, Char)**

**Item E-2 Request Approval of the Final Master Plan and Final Environmental Impact Statement (FEIS) for Kōke'e and Waimea Canyon State Parks; Tax Map Keys: (4) 1-2-01: 03, 04, 08, 09, 11; 1-4-01: 02, 13, 15-19; 1-4-02: 04, 05, 07, 08, 10, 12-16, 18, 20-32, 34-37, 39-48, 51-69, 71, 73, 75, 76, 78, 79, 81, 85, 86, 93; 1-4-03: 1-14, 16, 17; 1-4-04: 01-14, 16-21, 24, 27-31, 33, 35-70, 72-75; 5-9-01: 16, 17, Waimea, Kaua'i.**

**Item E-3 Approval to enter into a grant-in-aid agreement with Hui o Laka, dba Kōke'e Natural History Museum, to renovate the Administrative Office, Mess Hall, Barracks "C" and other facilities at the historic Civilian Conservation Corps Camp at Kōke'e State Park, Kaua'i.**

*Written testimony was submitted by Chipper Whittman.*

Dan Quinn-PARKS reviewed items E-2 and E-3.

Member Woodside asked about the invasive species strategy for Kōke'e on item E-2. Quinn explained that forestry takes the lead on the invasive species strategy because they have the expertise.

Chair Aila explained that the policy now is to remove invasive and replace with natives.

Member Woodside said that she appreciates the work so that it doesn't spread.

Member Yuen said he thought Chipper Wichman had a good point about the DLNR taking over sections of the road verses DOT, he was concerned about capacity. Quinn said yes, Wichman did comment on that and was looking at the previous draft, the master plan, which had a provision that DLNR wouldn't be able to take over the road until there was money from the fuel tax. PARKS didn't want to put that into a plan, because that would hamper them. The highway runs through Waimea State Park, but when it gets to Kōke'e State Park, it becomes park road.



**Unanimously approved as submitted (Yuen, Char)**

- Item J-1**      **Approve in Concept a 35-Year Boating Lease and Pier Construction, to the National Oceanic and Atmospheric Administration at Mā‘alaea Small Boat Harbor Situated at Waikapū, Wailuku, Maui Identified as Tax Map Key: (2)3-6-01:2 Portion.**

*Written testimony was submitted by James E. Coon and Glenn Shiroma.*

- Item J-4**      **Issuance of Right-of-Entry Permit to Ultraman World Championships LLC, For an Athletic Swim Event Located on the Kailua-Kona Pier Facility, Lanihau, North Kona, Hawai‘i, Tax Map Key: (3)7-5-006:039.**
- Item J-5**      **Issuance of Construction Right-of-Entry Permit to the U.S. Army Corps of Engineers on State Land at the Nāwiliwili Small Boat Harbor, Līhu‘e, Kaua‘i, Tax Map Key: (4) 3-2-003:007.**

Ed Underwood-DOBOR had no changes to items J-1, J-4 or J-5.

**Unanimously approved as submitted (Yuen, Gomes)**

- Item K-2**      **Conservation District Use Application (CDUA) HA-3720 to Expand the Capacity of an Existing Open Ocean Aquaculture Facility by Blue Ocean Mariculture, Located Offshore of Unualoha Point, North Kona, Hawai‘i, Tax Map Key (3) 7-4-043:000 (Submerged Lands).**

Sam Lemmo - OCCL stands on its recommendation to approve.

Member Yuen asked if hydrogen peroxide was used, if the cages were wrapped, and how often this was done. Lemmo said they go inside the cage with a tarp and corral the fish, then they wrap them in the tarp, then they pump hydrogen peroxide. After 45 minutes they pull the tarp and allow the H<sub>2</sub>O<sub>2</sub> to dissipate. They treat the fish between 10 a.m. and 2 p.m., when the sunlight can break down the H<sub>2</sub>O<sub>2</sub> better. Last time this was done in 2007. Lemmo committed to providing more information on this to member Yuen.

Member Yuen asked if there was a time deadline on the permit. He had more questions about what antibiotics are used and who does this. He also asked about the 1801 lava flow went as far as the site. Lemmo said the ocean substrate below the cages was formed by this flow.

Member Yuen requested deferring this item until the next meeting. Lemmo indicated that OCCL staff was able to answer Member Yuen’s questions.

Michael Cain, OCCL staff planner, explained that hydrogen peroxide was administered quarterly, and it’s monitored thorough their existing NPDS permit. They give OCCL quarterly reports and copy DAR. Member Yuen asked who makes a decision that the antibiotics be

administered. Cain said that it was the Department of Agriculture. Lemmo said there is also a federal process they have to go through with the FDA, that the company has a veterinarian, and that treatments also monitored by the vet at the Department of Health.

Member Yuen questioned the vaccination of fish. Lemmo said this was when they were in their juvenile form, there's a process that they can do in masse.

Member Gomes asked how much of the fish was marketed in Hawaii. Lemmo said 20% ; the rest were shipped to the U.S. mainland. Member Gomes said he would hate to see all this work done, and we don't see any of the benefit.

Lemmo commented that they don't see any significant ecological impacts. Chair Aila added DLNR was not the only regulators.

Member Yuen was satisfied and made a motion to approve. Member Gomes seconded.

**Unanimously approved as submitted (Yuen, Gomes)**

**Item L-1      Appointment of Jacob Tavares to Serve as Director of the Olinda-Kula Soil and Water Conservation District.**

Alyson Yim with the Engineering Division-ENG had no changes to item L-1.

Dan Purcell commented that he was still having problems getting this noticed on the State Calendar.

Yim said she is monitoring them, and spoke to the person that is doing the agenda and asked them to make sure they post the agenda.

**Unanimously approved as submitted (Gomes, Yuen)**

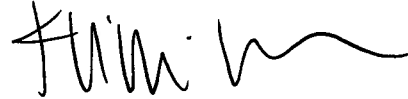
**Item F-4      Request for Approval to Enter Into a Memorandum of Agreement with the University of Hawaii, School of Ocean and Earth Science and Technology, Hawai'i Institute of Marine Biology to Access Confidential Fisheries Data.**

Miyasaka had no changes to item F-4.

**Unanimously approved as submitted (Gomes, Yuen)**

There being no further business, Chairman William J. Aila Jr. adjourned the meeting at 7:13 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ku'ulei Moses', with a stylized, wavy line extending from the end.

Ku'ulei Moses  
Land Board Secretary

Approved for submittal:

A handwritten signature in blue ink, appearing to read 'Carty S. Chang', with a stylized, looped design.

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Carty S. Chang  
Interim Chairperson  
Department of Land and Natural Resources